

11-15-04

PATENT

Attorney Docket No. 39238-0753

3739  
JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Inventor(s): Roger A. Stern et al.

Art Unit: 3739

Application No.: 10/072,475

Examiner: Peffley, Michael F.

Filed: February 6, 2002

Title: Handpiece For Treatment of Tissue

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INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Listed below on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, along with a concise explanation of information in a foreign language, if any, except for pending U.S. applications is attached or is identified with an asterisk as having been previously cited in priority **U.S. Patent Application No.: 10/072,610, filed: 02/06/2002**, pursuant to 37 C.F.R. §1.97-1.98.

1.98(d) A copy of any patent, publication or other information listed in an information disclosure statement is not required to be provided if it was previously cited by or submitted to the office in a prior application, provided that the prior application is properly identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

☐ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --
- ☐ (2) It is being filed within 3 months of entry of a national stage  
-- OR --
- ☐ (3) It is being filed before the mail date of the first Office Action on the merits  
-- OR --
- ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

☒ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

- ☒ a certification as specified in §1.97(e) is provided below; or
- ☐ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**
- C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☒ **Fee Authorization.** The Commissioner is hereby authorized to charge the above-referenced fees of and charge any additional fees or credit any overpayment associated with this communication to **Deposit Account No. 08-1641 (Docket No. 39238-0753).**

Respectfully submitted,

HELLER EHRMAN WHITE & MCAULIFFE  
LLP

Dated: 11/16/04

By: Paul Davis

Paul Davis, Reg. No. 29,294

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Menlo Park, CA 94025-3506  
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Customer No. 25213



## CERTIFICATION

*(Attachment to Information Disclosure Statement)*



37 C.F.R. §1.97(e)(1). **APPLICANT'S UNDERSIGNED ATTORNEY HEREBY CERTIFIES THAT** each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement; or



37 C.F.R. §1.97(e)(2). **APPLICANT'S UNDERSIGNED ATTORNEY HEREBY CERTIFIES THAT** no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this certification after making reasonable inquiry, or was known to any individual designated in §1.56(c) more than three months prior to the filing of this statement.

Respectfully submitted,

Dated: \_\_\_\_\_

11/11/04

By: \_\_\_\_\_

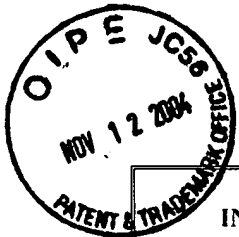
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<b>INFORMATION DISCLOSURE STATEMENT</b>  <b>PTO-1449</b>			ATTY. DOCKET NO. 39238-0753		SERIAL NO. 10/072,475		
			APPLICANT Stern et al.				
			FILING DATE 02/06/2002		GROUP 3739		
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
	2001/0037118	11/01/2001	Shaddock				
	2002/0016601	02/07/2002	Shaddock				
	2002/0019625	02/14/2002	Azar				
	2002/0123743	09/05/2002	Shanks, et al.				
	2002/0161362	10/31/2002	Penny et al.				
	2002/0183724	12/05/2002	Neev				
	2002/0183789	12/05/2002	Neev				
	2003/0023283	01/30/2003	McDaniel				
	2003/0028186	02/06/2003	Kreindel				
	2003/0032950	02/13/2003	Altshuler et al.				
	2003/0040739	02/27/2003	Koop				
	2003/0059386	03/27/2003	Sumian et al.				
	2003/0065313	04/03/2003	Koop et al.				
	2003/0065314	04/03/2003	Altshuler et al.				
	2003/0069567	04/10/2003	Eckhouse et al.				
<b>FOREIGN PATENT DOCUMENTS</b>							
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<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
EXAMINER			DATE CONSIDERED				

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



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EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
	2003/0097162	05/22/2003	Kreindel				
	2003/0129154	07/10/2003	McDaniel				
	2003/0130710	07/10/2003	Baker et al.				
	2003/0139740	07/24/2003	Kreindel				
	2003/0163178	08/28/2003	Davison et al.				
	2003/0187488	10/02/2003	Kreindel et al.				
	2003/0233138	12/18/2003	Spooner				
	2003/0236487	12/25/2003	Knowlton				
	2004/0015157	01/22/2004	Connors et al.				
	2004/0133251	07/08/2004	Altshuler et al.				
	2004/0147984	07/29/2004	Altshuler et al.				
	2004/0162549	08/19/2004	Altshuler				
	2004/0199226	10/07/2004	Shadduck				
	4,585,237	04/29/1986	Koop				
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**U.S. PATENT DOCUMENTS**

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	4,646,737	03/03/1987	Hussein et al.			
	4,709,372	11/24/1987	Rando et al.			
	4,864,098	09/05/1989	Basanese et al.			
	4,891,820	01/02/1990	Rando et al.			
	5,011,483	04/30/1991	Sleister			
	5,057,104	10/15/1991	Chess			
	5,107,832	04/28/1992	Guibert et al.			
	5,131,904	07/21/1992	Markoll			
	5,136,676	08/04/1992	Arnett et al.			
	5,190,031	03/02/1993	Guibert et al.			
	5,312,395	05/17/1994	Tan et al.			
	5,344,418	09/06/1994	Ghaffari			
	5,364,394	11/15/1994	Mehl			
	5,387,176	02/07/1995	Markoll			

**FOREIGN PATENT DOCUMENTS**

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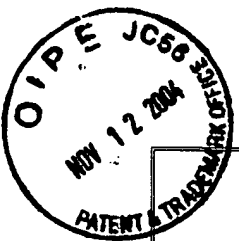
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	5,397,327	03/14/1995	Koop et al.				
	5,401,272	03/28/1995	Perkins				
	5,405,368	04/11/1995	Eckhouse				
	5,454,808	10/03/1995	Koop et al.				
	5,486,172	01/23/1996	Chess				
	5,509,916	04/23/1996	Taylor				
	5,522,814	06/04/1996	Bernaz				
	5,599,342	02/04/1997	Hsia et al.				
	5,620,478	04/15/1997	Eckhouse				
	5,626,631	05/06/1997	Eckhouse				
	5,628,744	05/13/1997	Coleman et al.				
	5,669,868	09/23/1997	Markoll				
	5,683,380	11/04/1997	Eckhouse et al.				
	5,720,772	02/24/1998	Eckhouse				
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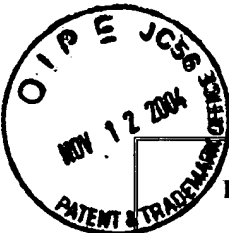
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	5,730,719	03/24/1998	Edwards				
	5,755,751	05/26/1998	Eckhouse				
	5,814,040	09/29/1998	Nelson et al.				
	5,849,029	12/15/1998	Eckhouse et al.				
	5,851,181	12/22/1998	Talmor				
	5,879,346	03/09/1999	Waldman et al.				
	5,885,273	03/23/1999	Eckhouse et al.				
	5,979,454	11/09/1999	Anvari et al.				
	5,997,530	12/07/1999	Nelson et al.				
	6,015,404	01/18/2000	Altshuler et al.				
	6,027,495	02/22/2000	Miller				
	6,050,990	04/18/2000	Tankovich et al.				
	6,053,909	04/25/2000	Shaddock				
	6,147,503	11/14/2000	Nelson et al.				
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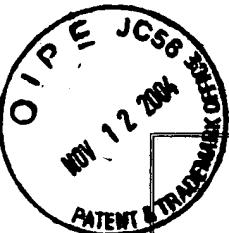
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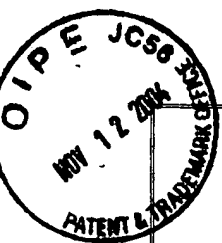
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	6,159,194	12/12/2000	Eggers et al.				
	6,171,301	01/09/2001	Nelson et al.				
	6,183,773	02/06/2001	Anderson				
	6,187,001	02/13/2001	Azar et al.				
	6,200,308	03/13/2001	Pope et al.				
	6,214,034	04/10/2001	Azar				
	6,248,103	06/19/2001	Tannenbaum et al.				
	6,254,594	07/03/2001	Berry				
	6,267,758	07/31/2001	Daw et al.				
	6,280,438	08/28/2001	Eckhouse et al.				
	6,283,956	09/04/2001	McDaniel				
	6,299,620	10/09/2001	Shadduck et al.				
	6,387,103	05/14/2002	Shadduck				
	6,402,739	06/11/2002	Neev				
	6,408,212	06/18/2002	Neev				
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	6,413,253	07/02/2002	Koop et al.				
	6,451,007	09/17/2002	Koop et al.				
	6,463,336	10/08/2002	Mawhinney				
	6,485,484	11/26/2002	Connors et al.				
	6,488,696	12/03/2002	Cho et al.				
	6,508,813	01/21/2003	Altshuler				
	6,514,243	02/04/2003	Eckhouse et al.				
	6,514,244	02/04/2003	Pope et al.				
	6,533,775	03/18/2003	Rizoiu				
	6,569,155	05/27/2003	Connors et al.				
	6,600,951	07/29/2003	Anderson				
	6,605,079	08/12/2003	Shanks et al.				
	6,612,212	12/19/2000	Kreindel et al.				
	6,623,454	09/23/2003	Eggers et al.				
	6,629,974	10/07/2003	Penny et al.				
<b>FOREIGN PATENT DOCUMENTS</b>							
<b>EXAMINER'S INITIALS</b>	<b>PATENT NO.</b>	<b>DATE</b>	<b>COUNTRY</b>	<b>CLASS</b>	<b>SUBCLASS</b>	<b>TRANSLATI ON</b>	
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	6,632,218	10/14/2003	Furumoto et al.			
	6,649,904	11/18/2003	Hayashi et al.			
	6,653,618	11/25/2003	Zenzie			
	6,662,054	12/09/2003	Kreindel et al.			
	6,666,856	12/23/2003	Connors et al.			
	6,702,808	03/09/2004	Kreindel			
	6,702,838	03/09/2004	Anderson, et al.			
	6,723,090	04/20/2004	Altshuler et al.			
	6,743,222	06/1/2004	Durkin et al.			
	6,749,602	06/15/2004	Sierra et al.			
	6,758,845	07/06/2004	Weckwerth et al.			
	RE 36,634	03/28/2000	Ghaffari			

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